

REMARKS

Claims 1-14 are currently pending in the above application. In the Office Action ("OA") dated February 23, 2006, the Examiner rejected claims 1-14. With this Amendment, Applicants have amended claim 1. Support for the amendment to claim 1 may be found, for example, at page 8, lines 14-26 in the corresponding PCT publication WO 01/52 124 A2. Applicants respectfully traverse the rejections of pending claims 1-14 and submit that the amendment to claim 1 places all pending claims in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(e)

The Examiner rejected claims 1-4 and 6-14 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application No. 10/055,177 to Maillard et al. ("Maillard"). To establish anticipation under § 102, each and every element of the claim must be described, either explicitly or inherently, in a single prior art reference. See MPEP § 2131. In the present application, however, Maillard fails to disclose every element in Applicants' claims. For example, Maillard at least fails to teach or suggest a system in which a "module is adapted to locally generate a unique entitlement code to enable said entitlement" to desired content, as recited in Applicants' amended claim 1. Claims 2-4 and 6-14 depend from and include all limitations of claim 1. Accordingly, Applicants hereby traverse these rejections.

Maillard discloses "a receiver . . . for enabling or controlling decryption of . . . signals." See Maillard, Abstract. The method taught by Maillard may include "broadcasting encrypted signals to receiver/decoders, the method comprising generating two or more classes of broadcast control signals." See Maillard, block [0036]. After the receiver/decoder receives input information, the classes of broadcast

control signals “enable the receiver/decoder to selectively decrypt portions of an encrypted broadcast audio and/or video stream.” See Maillard, block [0037]. Maillard further describes a receiver/decoder that has means for “detecting control signals which enable or control the decryption of particular program transmissions within said broadcast signals.” See Maillard, block [0041]. Finally, in describing an embodiment of the system, Maillard discloses that after receiving payment authorization from the user, the receiver/decoder “extracts and deciphers the control word from the ECM,” the Entitlement Control Message. See block [0283]. ECM keys, however, are sent by the associated operator to the user to be used by the receiver/decoder in decrypting content. See Maillard, block [0276]. Accordingly, Maillard at least fails to teach or suggest a system in which a “module is adapted to locally generate a unique entitlement code to enable said entitlement” to desired content, as recited in Applicants’ amended claim 1. Applicants, therefore, respectfully request that the Examiner withdraw the rejection and allow claim 1.

Claims 2-4 and 6-14 depend from, and include all limitations of, Applicants’ amended claim 1 and are thus allowable for at least the same reasons. Therefore, Applicants respectfully request that the Examiner withdraw the rejections of and allow claims 2-4 and 6-14.

CLAIM REJECTION UNDER 35 U.S.C. § 103

The Examiner rejected claim 5 as being unpatentable under 35 U.S.C. § 103 over Maillard in view of U.S. Patent No. 5,768,539 to Metz et al. (“Metz”). Applicants hereby traverse this rejection.

In a § 103(a) rejection, the Examiner must establish the three elements of a *prima facie* case of obviousness. MPEP § 2142. First, the Examiner must show that the prior art references teach all elements of the claims. Second, the Examiner must show that the prior art provides the reason or motivation to make the claimed combination. The mere fact that references can be combined does not create a *prima facie* case of obviousness. Moreover, the motivation to combine cannot come from the applicant's own disclosure but must come from the prior art itself. Additionally, no motivation to combine references exists where doing so would render one of the prior art references unsatisfactory for its intended purpose. Third, the Examiner must prove that there is a reasonable expectation of success in combining the prior art references.

In the present application, however, the cited references, either alone or taken together, fail to teach all of the elements of amended claim 1, from which claim 5 depends. Maillard, as discussed above, fails to disclose a system in which a "module is adapted to locally generate a unique entitlement code to enable said entitlement" to desired content, as recited in Applicants' amended claim 1. Metz does not cure this deficiency.

Metz discloses a system and method "for downloading application software and transmitting audio/video information through one channel of a digital broadcast network." See Metz, Abstract. In this system, executable code is downloaded from the broadcast channel into a programmable digital set-top box. See Metz, Abstract. Metz does describe encoding content to be broadcast over a network. See Metz, col. 10:29-51. Decoding of the transmitted content is also described. See Metz, col. 14:63-col. 15:18. Metz, however, describes the encoding and decoding as occurring to allow the

transmission of data. See Metz, col. 10:28-42. Metz, therefore, at least fails to teach or suggest a system in which a "module is adapted to locally generate a unique entitlement code to enable said entitlement" to desired content, as recited in Applicants' amended claim 1. Because claim 5 depends from and includes all limitations of claim 1, Metz also fails to teach at least this element of claim 5. Applicants, therefore, respectfully request that the Examiner withdraw the rejection of and allow claim 5.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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